

RSA/9a-02  
90-9-1-3

April 9, 1981

Robert B. Elliott, Chief  
U.S. Environmental Protection Agency  
General Enforcement Branch  
First International Building  
1201 Elm Street  
Dallas, Texas 75270

Re: UN-EF; Response to FOIA Request

Dear Mr. Elliott:

Several months ago, Mr. Cronkrite informed Ms. Alkire of our staff that a hydrology consultant trying to sell his services to United Nuclear Corporation filed a Freedom of Information Act request with Region 6, and asked the Justice Department for its advice on the matter. Ms. Alkire advised Mr. Cronkrite to furnish only documents which were matters of public record and that if these were state documents to direct the requestor to the appropriate state office.

We received a copy of your letter of March 4, 1981 in which you indicate that you have supplied Paul Chernobay of Oxy-Aqua with a memo from Mr. McQuillan, the state hydrologist, to Kenneth Schmidt, an EPA consultant retained to testify in our proposed litigation and that you have also supplied him with a memo from Mr. Schmidt to an EPA headquarters attorney.

The UN-EF case had been referred to Justice for filing at the time the FOIA request was received and answered by Region 6. Furthermore, Mr. Schmidt had also been hired by EPA as a hydrologist expert witness, and Mr. McQuillan had



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offered to testify for the United States. As a result of the March 4th FOIA response, a potential witness for US-OP has discovered data which was prepared in anticipation of litigation by two of our potential witnesses. Obviously, this is undesirable. To avoid misunderstandings in the future it would be best if responses to FOIA requests pertaining to referred matters and filed cases are cleared through us.

Sincerely,

Lloyd Guerri, Assistant Chief  
Hazardous Waste Section

cc: Douglas MacMillan  
Tripper Cronkite